

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN L. RUTH, d/b/a PENSON  
PROPERTIES; MARY RUTH; YORKSHIRE  
APARTMENTS, LLC; and WALES RIDGE,  
LLC,

Defendants.

Case No. 5:11-cv-02350

JUDGE JOHN R. ADAMS

**MOTION TO CONSOLIDATE**

Pursuant to Federal Rules of Civil Procedure Rule 42(a)(2), Plaintiff United States of America hereby moves this Court for an Order consolidating this action with Stark County et al. v. Ruth et al., United States District Court, Northern District of Ohio, Case No. 5:11-cv-01322-JRA. As described in the accompanying Memorandum of Law, there is good cause for this motion as these two actions involve similar parties, factual allegations, and questions of law. Additionally, discovery has just begun in the Stark County suit and will not close until April 6, 2012. The United States has no objection to complying with the Court's Case Management Conference Order (No. 5:11-cv-01322-JRA, ECF 22, Oct. 19, 2011) and the deadlines set therein, including the upcoming depositions, which are to be completed on or before December 19. As such, the consolidation of these cases will not delay discovery in that action, will assist in the timely resolution of both suits, and will not unduly prejudice the parties.

WHEREFORE, the United States respectfully requests that the Court grant this Motion and consolidate this action with Stark County et al. v. Ruth et al., United States District Court, Northern District of Ohio, Case No. 5:11-cv-01322-JRA.

DATED this 3rd day of November, 2011.

Respectfully Submitted,

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Attorneys for Plaintiff  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 3, 2011, a copy of this Motion to Consolidate was filed electronically. Additionally, with consent of counsel for Defendants, I sent a copy of this Motion to Consolidate by electronic mail to the following address:

William D. Edwards  
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s/ Jessica C. Crockett